

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-14 were previously pending in this application. By this amendment, Applicant is amending claims 1, 2, 4, 7, 8, 10, and 12. New claims 15-18 have been added. As a result, claims 1-18 are pending for examination with claims 1, 4 and 7 being independent claims. No new matter has been added.

#### ***Summary of Telephone Conference with Examiner***

Applicant wishes to thank Examiner Green for the opportunity to conduct a telephone interview with Kristin Wheeler on October 21, 2004. During the interview, the claim rejections in view of the Quant reference were discussed. Also discussed was possibly amending the independent claims to further define the pressure member. The substance of the discussion is incorporated into the following remarks.

#### ***Amendments to the Specification***

Applicant has amended the specification to correct minor typographical errors. Support for each amended paragraph may be found within the original paragraph. No new matter has been added.

#### ***Objections to the Claims***

Claims 1-3 and 7-14 are objected to for lack of clarity. In particular, the Examiner suggests that in claim 1, for consistency, the two occurrences of "the fabric" should correspond to "the fabric-like material" also recited in claim 1. The Examiner also suggests that in claim 1, "each pin" should apparently be "the at least one pin" to clarify that there may only be one pin. Additionally, the Examiner suggests that in claim 2, "the member" should be amended to clearly recite "the pressure member", and that in claim 7, "of back panel" should be amended to recite "of the back panel".

Applicant has amended the above claims in the manner suggested by the Examiner to further prosecution of this application.

Accordingly, withdrawal of this objection to claims 1-3, and 7-14 is respectfully requested.

***Rejections under 35 U.S.C. §112***

Claims 8-13 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner contends that in claim 8, the attaching member is connected “to” the back panel and not “in” the back panel. Also, the Examiner suggests that in claim 10, “an award bar” is confusing because it is not clear whether or not the Applicant is referring to the award bar defined in claim 7. Further, in claim 12, the Examiner contends that “pressure members” is confusing because it is not clear whether or not the pressure member defined in claim 7 is included in the “pressure members”. Also, the Examiner points out that in claim 12, there is no antecedent basis for “the end award bars”.

Applicant has amended the above claims in the manner suggested by the Examiner to further prosecution of this application. In particular, in claim 8, line 2 “in” has been amended to recite “to”. Further, in claim 10, “an award bar” has been amended to recite “the award bar”. With respect to the rejections of claim 12, claim 7 has been amended to recite “at least one pressure member”, and therefore claim 12 has been amended to recite “wherein the award bars in the outermost position of the row define the end award bars, and the at least one pressure member includes pressure members provided adjacent the ends of the holder to engage the end award bars in the holder” to clearly state that “pressure member” in claim 7 is included in the “pressure members” in claim 12, and also to provide proper antecedent basis for “the end award bars” in claim 12.

Accordingly, withdrawal of the rejection of claims 8-13 under 35 U.S.C. §112 is respectfully requested.

***Rejections Under 35 U.S.C. §102***

Claims 4-8, and 10-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Quant (U.S. Patent No. 2,221,926). As discussed below, Applicant has amended independent claims 4 and 7 to clearly distinguish Quant.

As amended, independent claim 4 is directed to an award bar and holder combination comprising, *inter alia*, at least one award bar having a pair of parallel side edges, a generally C-shaped holder having side walls that overlap the side edges of the award bar so that the side edges are captured under the side walls of the holder, and a pressure member in the holder for

bearing against the award bar causing the bar to press against the side walls of the holder to resist sliding of the bar in the holder. The pressure member includes *a smooth camming surface at each end of the pressure member to enable the award bar to slide on and off the pressure member*, and the combination includes at least one fastener mounted on the back of the holder for securing the holder to a support.

Quant is directed to a character bearing device that holds various types of letters, numerals and insignia. The device includes a channel-shaped holder 10 having a flat base 11 with flanges 12 and angular edges 13. The device also includes a locking plate 14 which has a flange 15 extending up into the channel at one end, and a plurality of upwardly extending spring locking fingers 16 inclined towards the end flange 15. The characters 17 are formed to slide into the channel of the holder and the back of the characters 17 have slots 19 that have a width smaller than the width of the spring locking fingers 16. When the characters 17 are slid into the channel, the locking fingers 16 lock the characters into the holder. To remove the characters from the holder, a release bar 20 is inserted into the slot formed in the back of the characters which depresses the locking fingers 16 out of engagement with the characters 17 such that the characters may be slid out of the open end of the holder.

However, Quant does not include *a smooth camming surface at each end of the pressure member*, as recited in amended claim 4. At most, the locking fingers of Quant only include one camming surface at one end of the locking finger, because the other end of the locking finger projects up towards the end flange. Quant is designed to only have one camming surface so that the release bar is able to depress the other end of the locking finger down to disengage the characters. Thus, claim 4 patentably distinguishes over Quant, such that the rejection under §102 should be withdrawn.

Claims 5 and 6 depend from claim 4 and are patentable for at least the same reasons.

As amended, independent claim 7 is directed to an award bar and holder combination comprising, *inter alia*, an elongated holder having a back panel with front and back sides and a pair of longitudinally extending top and bottom edges, a pair of side panels attached to the back panel and extending forward of the front side thereof, the side panels having lips that extend toward one another spaced from and in front of the front face of the back panel, and at least one award bar disposed in the holder on the front side of the back panel and behind the lips of the side panels. The combination further includes at least one pressure member on the holder urging

the award bar to bind on the lips for preventing the bar from sliding off the ends of the holder, and *at least one pair of rectangular openings within the back panel, the pair of openings defining between them the at least one pressure member that bows forwardly at each end of the pressure member.*

Quant does not include a pair of rectangular openings defining at least one pressure member that bows forwardly at each end of the pressure member, as recited in amended claim 7. At most, Quant includes only *one* opening with a pressure member that bows forwardly at only *one* end of the pressure member. As discussed above, Quant is designed to bow forwardly at only one end of the locking finger, leaving the other end of the locking finger cantilevered, so that the release bar is able to depress the locking fingers down to disengage the characters. Thus, claim 7 patentably distinguishes over Quant, such that the rejection under §102 should be withdrawn.

Claims 8 and 10-14 depend from claim 7 and are patentable for at least the same reasons.

Accordingly, withdrawal of this rejection is respectfully requested.

### ***Rejections Under 35 U.S.C. §103***

Claims 1-3 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Quant (U.S. Patent No. 2,221,926) in view of Harn (U.S. Patent No. 3,192,655) or Elkies (U.S. Patent No. 2,495,577). As discussed below, Applicant has amended independent claim 1 to further distinguish this combination.

As amended, independent claim 1 is directed to an award bar holder comprising, *inter alia*, a generally C-shaped elongated channel member having a flat back panel and side panels that extend toward one another in a forward direction from each longitudinal side edge of the back panel, the back and side panels forming a slide seat for receiving one or more award bars, at least one pin attached to the back side of the back panel for piercing a fabric-like material on which the holder is to be mounted, and a clasp removably carried on the end of the pin for securing the holder to the fabric-like material. The holder also includes a pressure member formed in the back panel of the holder for pushing an award bar disposed in the slide seat in a forward direction against the side panels to prevent the award bar from slipping out of the slide seat. *The pressure member is constructed and arranged to bow out of the back panel in a*

*forward direction at each end of the pressure member extending to a middle section which is substantially parallel to the back panel.*

Quant is discussed above. The Office Action recognizes that Quant does not show a pin and a clasp. However, the Office Action looks to Harn and Elkies which both show an attachment member in the form of a pin and a clasp, and concludes that it would have been obvious to one of ordinary skill in the art to modify Quant to include an attachment member in the form of a pin and clasp since this would allow the display device to be attached to and removed from an article of clothing in an easier and faster manner.

Without acceding to the propriety of the Examiner's position and for the sake of argument only, even were one of ordinary skill in the art to have been motivated to employ the pin and clasp of either Harn or Elkies in the character holder device of Quant, the claims patentably distinguish over the combination of Quant and Harn or Elkies.

Neither Quant, Harn, or Elkies includes a pressure member that bows out of the back panel in a forward direction at each end of the pressure member extending to a middle section which is substantially parallel to the back panel, as recited in amended claim 1. Harn and Elkies do not include any component comparable to a pressure member. Presuming that the locking finger in Quant acts as a pressure member, the pressure member only extends out at an acute angle with respect to the flat back panel. However, the locking finger in Quant does not include bowed out portions at each end, with a middle section which is substantially parallel to the back panel. As discussed above, the locking member in Quant only includes one bowed out end, leaving the other end of the locking finger cantilevered, so that the release bar is able to depress the locking fingers down to disengage the characters. Thus, claim 1 patentably distinguishes over Quant, such that the rejection under §103 should be withdrawn.

Claims 2, 3, and 9 depend from claim 1 and are patentable for at least the same reasons.

Accordingly, withdrawal of this rejection is respectfully requested.

### ***New Claims***

Applicant has added new dependent claims 15-18 to further define the invention. Support for these new claims may be found at least on page 3, line 21 – page 4, line 6, and in FIGS. 5-8. No new matter has been added.

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**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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